

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GEORGE AUSTIN, AK4262,

Plaintiff,

v.

TAMMY FOSS, et al.,

Defendant(s).

Case No. [21-cv-01098-CRB](#) (PR)

**ORDER VACATING JUNE 15, 2021
ORDER OF DISMISSAL AND
GRANTING EXTENSION OF TIME TO
FILE FIRST AMENDED COMPLAINT**

(ECF No. 10)

On June 15, 2021, the court dismissed this action because to date plaintiff had “neither filed an amended complaint nor sought an extension of time to do so.” June 15, 2021 Order (ECF No. 11) at 1. But it turns out that on June 4, 2021 plaintiff filed a motion for an extension of time to amend due to prison lockdowns that the clerk did not upload onto the court’s electronic docket (ECF) until June 14, 2021 and the court consequently did not see before issuing its June 15, 2021 order of dismissal.

Good cause appearing therefor, the court’s June 15, 2021 order of dismissal is VACATED and plaintiff’s motion for an extension of time to amend (ECF No. 10) is GRANTED. Plaintiff shall file a First Amended Complaint (FAC) by no later than July 23, 2021. Failure to file a FAC within the designated time will result in the dismissal of this action.

The clerk is instructed to reopen this case and to set an amended complaint deadline of July 23, 2021.

IT IS SO ORDERED.

Dated: June 17, 2021



CHARLES R. BREYER
United States District Judge